



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the application of:

Inventor(s) : Hitoshi MATSUMOTO *et al.*
Serial Number : 10/019,402
Filed : December 28, 2001
For : COMPOSITIONS FOR FOODS, PROCESS FOR
PRODUCING THE SAME, AND FUNCTIONAL
FOODS AND DRINKS CONTAINING THE SAME
Examiner : D. A. Jagoe
Group Art Unit : 1614

NOTICE OF APPEAL

The Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

April 23, 2004

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the examiner's decision in the final Office action mailed November 25, 2003, finally rejecting claims 27 to 40. A Petition for a Two-Month Extension of Time and the Official fee therefor are being filed together herewith. The petition for extension of time extended the due date for response to April 24, 2004. Accordingly, this Notice of Appeal is timely filed.

A check in the amount of THREE HUNDRED THIRTY DOLLARS (\$330.00) for the notice of appeal fee is attached hereto.

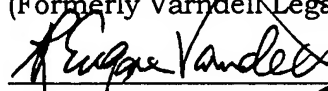
In the event that this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The Commissioner is hereby authorized to charge the fee therefor, as well as any deficiency in the payment of the required fee(s) or credit any overpayment, to our deposit account No. 22-0256.

04/26/2004 SDIRETH1 00000089 10019402

01 FC:1401

330.00 OP

Respectfully submitted,
VARNDELL & VARNDELL, PLLC
(Formerly Varndell Legal Group)


R. Eugene Varndell, Jr.
Registration No. 29,728

Atty. File No. VX012397
106A South Columbus Street
Alexandria, VA 22314
(703) 683-9730

V:\Vdocs\W_Docs\Apr04\P080-2397 NOA.doc